



## **Your rights to legal representation and to see the tribunal doctor**

You will be having a Mental Health tribunal soon. If you didn't apply for it, it has been arranged because the law requires that your case be reviewed by a tribunal.

### **What is a tribunal?**

A tribunal decides whether you should remain on your Section of the Mental Health Act. The tribunal is a panel that is made up of three people – a judge (who is chairman of the hearing), a tribunal doctor who is a psychiatrist, and a third member who knows about mental health care. None of them have any connection with the clinical or social work team looking after you. Together the panel will decide whether your Section should be lifted after reading the reports about you, and hearing from you and your clinical team.

### **Can I have a legal representative?**

Yes. Most people do have a legal representative because they can help you to tell the tribunal how you feel and what you want to happen. This does not cost you anything as your representative will be paid for by Legal Aid.

### **What if I haven't got a legal representative?**

If you haven't got a legal representative, the tribunal office can appoint one for you who understands about mental health tribunals.

There's a form at the end of this leaflet which you can use to ask the tribunal office to find a legal representative for you.

### **Who is the tribunal doctor?**

The tribunal doctor is a Consultant Psychiatrist, and is one of the three people who are on the tribunal panel.

## **Does the tribunal doctor come to see me before the hearing?**

This depends on your Section, and whether you or your legal representative asks for the doctor to do so. If you have been detained in hospital for assessment under Section 2, then the tribunal doctor will come to see you before the hearing to talk to you and find out how you are. This is called a 'pre-hearing examination'. The tribunal doctor will also read your notes. If you are detained on Section 2 but choose not to see the tribunal doctor, then the doctor will still read your notes and let the other tribunal panel members know about this. (Your representative will also be able to read your notes).

If you are on any other Section, then either you or your legal representative need to ask for the interview with the tribunal doctor. You must ask for this in writing **at least 14 days before the day of the tribunal hearing**. You can use the form at the end of this leaflet.

The other time when the tribunal doctor will come to see you is if the tribunal arranges it. This may happen if you decide not to come to the hearing, or for other reasons.

## **When and where is the interview with the tribunal doctor?**

The interview happens before your hearing. If it is on the same day as the tribunal hearing then you should have enough time after it to speak to your representative and to have a break before the tribunal starts.

The interview is usually just you and the tribunal doctor on your ward in a room where you can be private. You can choose if you want someone there such as a nurse or an advocate. Sometimes, if you are upset or agitated, your clinical team may advise that someone does sit in.

If you are on a CTO, you will meet privately in a meeting room at the hospital.

## **Why do I have to ask to see the tribunal doctor 14 days before the hearing?**

The tribunal office needs 14 days to arrange for the tribunal doctor to visit you.

## **How is the interview information used?**

If you speak to the tribunal doctor then, before you come into the hearing, the doctor will have told the two other panel members what you said in your meeting. At the start of your hearing, the judge will tell you, your legal representative and your clinical team what you said. If you think that this account is not correct, you should tell your representative.

## **Will the interview with the tribunal doctor make a difference to my tribunal?**

If you are on Section 2 but decide not to meet the tribunal doctor (when the doctor comes to the ward to see you) you can still tell the tribunal panel what you want, with the help of your representative, when you are at the hearing. But the interview with the doctor before the tribunal can help the tribunal members understand how you are at the time of your tribunal. The panel needs to know what you want to say, what symptoms you may be having, and what you think about your mental health and treatment.

Some patients think that a chance to talk privately with the tribunal doctor helps them to talk later at the tribunal. However, the tribunal doctor will still form their own opinion about how you are, and they will share this opinion with the other panel members. Other patients think that they would rather wait to speak to the all the tribunal panel together by answering questions from their legal representative.

Some patients like to speak early in the hearing so that they are sure the panel knows what they want. You may wish to do this if you have not had an interview with the tribunal doctor. If you do speak early, you will also be invited to have the last word.

If you have a legal representative they will advise you about all this, and help you to decide what is best for you. That is why it is important to have a legal representative.

On the next page is the form for you to ask the tribunal office to find you a solicitor, and to say whether you want the tribunal doctor to see you before the hearing.

**You can use this form to tell us whether you want us to find you a solicitor, and whether you want the tribunal doctor to see you before the hearing.**

Case number

Name of patient

Date of birth

D	D	/	M	M	/	Y	Y	Y	Y
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Name of  
representative (if any)

If you do not have a legal representative,  
would you like the tribunal office to  
appoint one on your behalf?

☐ Yes ☐ No

Do you wish to see the tribunal doctor  
before your hearing?

☐ Yes ☐ No

**Signature** .....

**Date**

D	D	/	M	M	/	Y	Y	Y	Y
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This form was completed by: ☐ The Patient

☐ The Patient's Legal Representative

**Now please either**

- Give the completed form to the Hospital Mental Health Act Administrator or to your Care Co-ordinator, and ask them to send it to the tribunal; **or**
- email the completed form to [PrelimExaminations@hmcts.gsi.gov.uk](mailto:PrelimExaminations@hmcts.gsi.gov.uk); **or**
- post the form to:  
HM Courts & Tribunals Service  
First-tier Tribunal (Mental Health)  
PO Box 8793  
5<sup>th</sup> Floor  
Leicester LE1 8BN